

Department of the Interior  
U.S. Fish & Wildlife Service  
Pacific Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181  
Phone: 503/231-6121  
Fax: 503/231-2122  
<http://pacific.fws.gov>

# News Release



September 23, 2005  
Contact: Joan Jewett, 503-231-6121

05-89

## U.S. Fish and Wildlife Service Designates Critical Habitat For Bull Trout

Complying with a court order, the U.S. Fish and Wildlife Service today announced its final rule designating approximately 3,780 miles of streams and 110,364 acres of lakes and reservoirs in Oregon, Washington, Idaho and Montana as critical habitat for the bull trout, a threatened species protected under the Endangered Species Act (ESA). In Washington, 966 miles of marine shoreline also are being designated.

The final designation is based on the best scientific and economic information and recognizes the conservation efforts of states, tribes, agencies and landowners. It covers only areas that are occupied by bull trout and that contain physical and biological features considered essential to the conservation of the species.

“As a result of the extensive public comments we received, and peer review, we found there are many areas that already have conservation efforts in place and do not need to be designated,” said Dave Allen, regional director of the Service’s Pacific Region.

By state, the final designation covers approximately:

- **Idaho:** 293 stream miles and 27,296 acres of lakes or reservoirs
- **Montana:** 1,058 stream miles and 31,916 acres of lakes or reservoirs
- **Oregon:** 911 stream miles and 24,610 acres of lakes or reservoirs
- **Washington:** 1,519 stream miles, 26,542 acres of lakes or reservoirs and 966 miles of marine shoreline

State-by-state descriptions of the critical habitat units, maps, photographs and other materials relating to today’s announcement may be found on the Pacific Region’s Bull Trout Website at <http://species.fws.gov/bulltrout>.

No critical habitat is being designated for the Jarbidge River population of bull trout in Nevada and southern Idaho, where the Secretary of the Interior determined that the benefits of excluding the area outweighed the benefits of including it. The Endangered Species Act gives the Secretary broad discretion to exclude areas from

critical habitat on the basis of economic impact, the impact on national security or any other relevant impact unless such exclusions would result in the extinction of the species.

Areas already covered by approved conservation agreements and habitat management plans that are sufficient to conserve the species were excluded from the final rule. Some examples of these are the Northwest Forest Plan and the Washington Forest Practices Act, which provide conservation benefits for the bull trout that are superior to those that would be provided by a critical habitat designation; numerous conservation agreements with Native American tribes and private landowners within the bull trout's range; and species conservation plans that address bull trout on military installations, such as the U.S. Army's Fort Lewis, the Naval Air Station on Whidbey Island and the Naval Radio Station Jim Creek in Washington and the Bayview Acoustic Research Center in Idaho. Military training areas outside the above installations, in Dabob Bay and Crescent Harbor, Washington, were excluded from critical habitat because these training areas are essential for national security.

The Service also recognized that the Federal Columbia River Power System has spent \$3.3 billion on restoration of habitat in the river system over the past 20 years, most of which benefited bull trout, and that conservation efforts by 11 federal agencies and 4 states that manage portions of the river basin provide protection for the bull trout's habitat. Consequently, those areas were excluded. The State of Idaho has entered into an agreement with the Department of the Interior and the Nez Perce Tribe to protect habitat in the Snake River Basin so the area covered by that agreement also was excluded.

Additionally, unoccupied habitat (areas where the species hasn't been documented for the last 20 years) is excluded from the final rule. Under the ESA, the Secretary of the Interior may include unoccupied habitat only if it is determined to be essential to the conservation of the species. In the case of the bull trout, the best scientific data available was not sufficient for the Secretary to make such a determination at this time.

Also excluded from the final designation are all reservoirs and pools behind dams whose primary purpose is for energy production, flood control or water supply for human consumption. Disruption of these functions could compromise human health and safety or result in large economic costs.

No exclusions are being made in this final designation for economic reasons. Economic analyses of the Service's earlier bull trout critical habitat proposals, which were larger than this final designation, found that potential economic impacts could total up to \$26 million a year for the Columbia and Klamath populations and about \$61 million a year for the Coastal-Puget Sound, St. Mary-Belly and Jarbidge populations combined.

In response to several requests, and in accordance with the Act, the Service also is conducting a 5-year review of the bull trout to determine whether a change in its listing status is warranted. That review is expected to be finished in 2005. Meanwhile, work on a recovery plan for bull trout is on hold until the review is completed. The 5-year review, as required for all listed species under the ESA, will assess the best available information on how bull trout have fared since they were listed for protection across their range in the lower 48 states in 1999. This will include analyses of population data and threats to the species.

A member of the char subgroup of the salmon family, the bull trout is primarily threatened by habitat degradation and fragmentation, blockage of migratory corridors, poor water quality, past fisheries management and the introduction of non-native species such as brown, lake and brook trout.

Today's announcement covers all five populations of bull trout: the Columbia River Basin population, the Klamath River Basin population, the Coastal-Puget Sound population, the Jarbidge (Nevada) population and the Saint Mary-Belly (Montana) population.

In June 2004, the Service proposed critical habitat for the Coastal-Puget Sound, Jarbidge and Saint Mary-Belly populations. At that time the agency proposed to designate a total of 2,290 miles of streams in western Washington as bull trout critical habitat, along with 52,540 acres of lakes and reservoirs and marine habitat paralleling 966 miles of shoreline. In Nevada and Idaho, a total of 131 stream miles was proposed as critical habitat for the Jarbidge population. And in Northwest Montana, 88 miles of streams and 6,295 acres of lakes and reservoirs were proposed as critical habitat for bull trout in the Saint Mary River and Belly River drainages.

In October 2004, the Service designated approximately 1,748 miles of streams and 61,235 acres of lakes in the Columbia and Klamath River basins of Oregon, Washington, and Idaho as critical habitat for bull trout. In response to a lawsuit, the Service agreed to review that critical habitat designation.

"Public comments in general, and particularly technical comments from local, state and federal agencies and Native American tribes, were very useful in focusing the final designation to those areas most essential to the conservation of the species," Regional Director Allen said. "Numerous public meetings and an independent peer review process provided useful technical information and constructive criticism that promoted further internal critical review."

Critical habitat is a term in the Endangered Species Act. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and which may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands. A critical habitat designation does not impose restrictions on private lands unless federal funds, permits or activities are involved.

This final rule was prepared pursuant to a court order resulting from a lawsuit filed against the Service by the Alliance for the Wild Rockies and Friends of the Wild Swan.

In 30 years of implementing the ESA, the Service has found that the designation of critical habitat provides little additional protection for most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits. In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for protected species is provided on many national wildlife refuges managed by the U.S. Fish and Wildlife Service and on state wildlife management areas.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish

hatcheries, 63 fishery resource offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.